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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

JACK HAMM,)	CIVIL NO. 2:21-cv-00645-JDP
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
KILOLO KIJAKAZI,)	APPROVING SETTLEMENT
Acting Commissioner of Social Security,)	OF ATTORNEY FEES UNDER
Defendant.)	THE EQUAL ACCESS TO JUSTICE ACT
)	[28 U.S.C. §2412(d)]
)	
)	
)	

THE PARTIES STIPULATE through the undersigned, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of Six Thousand Five Hundred dollars (\$6,500.00) under the Equal Access to Justice Act, 28 U.S.C. §2412(d) and that there will be no award of costs. This will represent compensation for all legal services rendered by counsel for Plaintiff in this civil action and in accordance with 28 U.S.C. §§ 1920, 2412(d).

Upon the Court's order for EAJA fees, Defendant will consider the assignment of those EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are

1 subject to any offset allowed under the United States Department of the Treasury's Offset
2 Program. After the order for EAJA fees is entered, the government will determine whether they
3 are subject to any offset. Fees shall be made payable to Plaintiff, but if the Treasury
4 Department determines Plaintiff owes no federal debt, then the government shall pay the fees
5 directly to Jesse S. Kaplan based on an assignment executed by Plaintiff and will deliver the
6 payment to said counsel.

7 This Stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees
8 and does not constitute an admission of liability on the part of Defendant under the EAJA or
9 otherwise. Payment of this agreed amount shall constitute a complete release from, and bar to,
10 any and all claims that Plaintiff and/or his counsel, including counsel's firm, may have
11 regarding EAJA fees relating to this action. This award is without prejudice to Plaintiff's
12 counsel's right to fees under 42 U.S.C. §406(b), subject to the savings clause provisions of the
13 EAJA.

14 Respectfully submitted this December 2, 2022.

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16 DATED: December 2, 2022

/s/ Jesse S. Kaplan*
(*as authorized via e-mail on December 2, 2022)
JESSE S. KAPLAN
Attorney for Plaintiff

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19 DATED: December 2, 2022

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23 By: /s/ Mary Tsai
24 MARY TSAI
25 Special Assistant U.S. Attorney
26 Attorneys for Defendant
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~~PROPOSED~~ ORDER

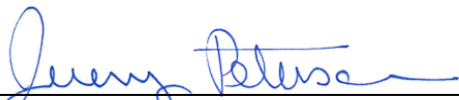
Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees (the "Stipulation"),

IT IS ORDERED that fees in the amount of Six Thousand Five Hundred dollars (\$6,500.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

Plaintiff's previously filed motion for EAJA fees (Dkt. 23) is denied as moot.

IT IS SO ORDERED.

Dated: December 2, 2022



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE